IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.4 OF 2006
IN
NOTICE OF MOTION NO.1312 OF 2003
IN
SUIT NO.3136 OF 1992

Vasu Narna Suvarna & ors. Appellants
vs.
Mankesarabai C. Singh Respondent

Mrs.V.N.Bangera for the appellants.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 10th January 2006

P.C.

Heard Mrs.V.N.Bangera, the learned counsel for the appellants.

2. Admittedly on 12th June 1997, the Prothonotary & Senior Master dismissed the Suit for default. No steps were taken for restoration of the Suit within reasonable time. Almost after six years, to be precise on 21.04.2003, the notice of motion was taken out by the plaintiff for restoration of the Suit. Having considered the affidavit in support of the notice of motion, we find that the long delay of almost six years in making the application for restoration is not sufficiently explained. In this view of the matter, we are satisfied that the impugned order does not call for

any interference.

3. Appeal is dismissed in limine.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)